

ORDINANCE No. 23-

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2022-21**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON 8.42 ACRES OF ECX AND 18.77 ACRES OF TCCX INTO 6.83 ACRES OF TCCX AND 20.36 ACRES OF RHX IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA) IN THE RIDGE SPECIAL PROTECTION AREA (SPA) OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN (ACSC). THE SUBJECT SITE IS LOCATED ON THE WEST SIDE OF US HIGHWAY 27, NORTH OF US HIGHWAY 17/92, SOUTH OF INTERSTATE 4, WEST OF GREEN SWAMP, WEST OF US HIGHWAY 27, NORTHEAST OF THE CITY OF HAINES CITY IN SECTION 19, TOWNSHIP 26, RANGE 27; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3184, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Large-Scale Comprehensive Plan Amendments; and

WHEREAS, Application LDCPAL 2022-21 is an applicant-initiated application to change the future land use designation of 27.19 +/- acres from Tourist Commercial Center (TCCX) and Employment Center (ECX) in the Transit Supportive Development Area (TSDA) to Residential High (RH) and Tourism Commercial Center (TCCX) in the Transit Supportive Development Area (TSDA) (the "Amendment"); and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, Amendment on February 1st, 2023; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on March 7, 2023, held an initial public hearing and authorized transmittal of the Amendment to the Department of Economic Opportunity (DEO) for written comment, and

WHEREAS, DEO, by letter dated May 3rd, 2023, transmitted objections, recommendations, and comments on the Amendment; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the Amendment on June 6, 2023; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; if any; and

WHEREAS, the Board of County Commissioners has considered the data and analysis contained within the staff report; and

WHEREAS, the Amendment is consistent with Chapter 163, FS, and the Polk County Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: LEGISLATIVE FINDINGS OF FACT

The findings of fact set forth in the recitals to this Ordinance are true and correct and hereby adopted.

SECTION 2: COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect a change in the Future Land Use designation 27.19 acre site from Tourist Commercial Center (TCCX) and Employment Center (ECX) to Residential High (RHX) and Tourist Commercial Center (TCCX) in the Transit Supportive Development Area (TSDA) in the Ridge Special Protection Area (SPA) in the Green Swamp Area of Critical State Concern (ACSC) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcel included:

272619-704500-010270

HOLLY HILL GROVE & FRUIT CO SUB PB 17 PG 36 TRACT 27 IN NE ¼. Tract 27 in the NE ¼ of Section 19, Township 26 South, Range 27 East, according to the Subdivision of HOLLY HILL GROVE AND FRUIT COMPANY recorded in Plat Book 17, Page 36 of the Public Records of Polk County, Florida; otherwise described as the E ½ of the SW¼ of the SE¼ of the NE¼ of Section 19, Township 26 South, Range 27 East, Polk County, Florida

272619-705000-020060

FLA DEVELOPMENT CO SUB PB 3 PG 60 TO 63 TRACT 6 IN SE1/4

272619-705000-020070

FLA DEVELOPMENT CO SUB PB 3 PG 60 TO 63 TRACT 7 IN SE1/4

272619-705000-020090

FLA DEVELOPMENT CO SUB PB 3 PG 60 TO 63 TRACTS 9 & 10 LESS HWY IN SE1/4 & LESS ADDNL RD R/W
PER MB 17 PGS 93-99

272619-705000-020080

FLA DEVELOPMENT CO SUB PG 3 PG 60 TO 63 TRACT 8 LESS HWY IN SE1/4

SECTION 3: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

SECTION 5: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this June 6th, 2023.

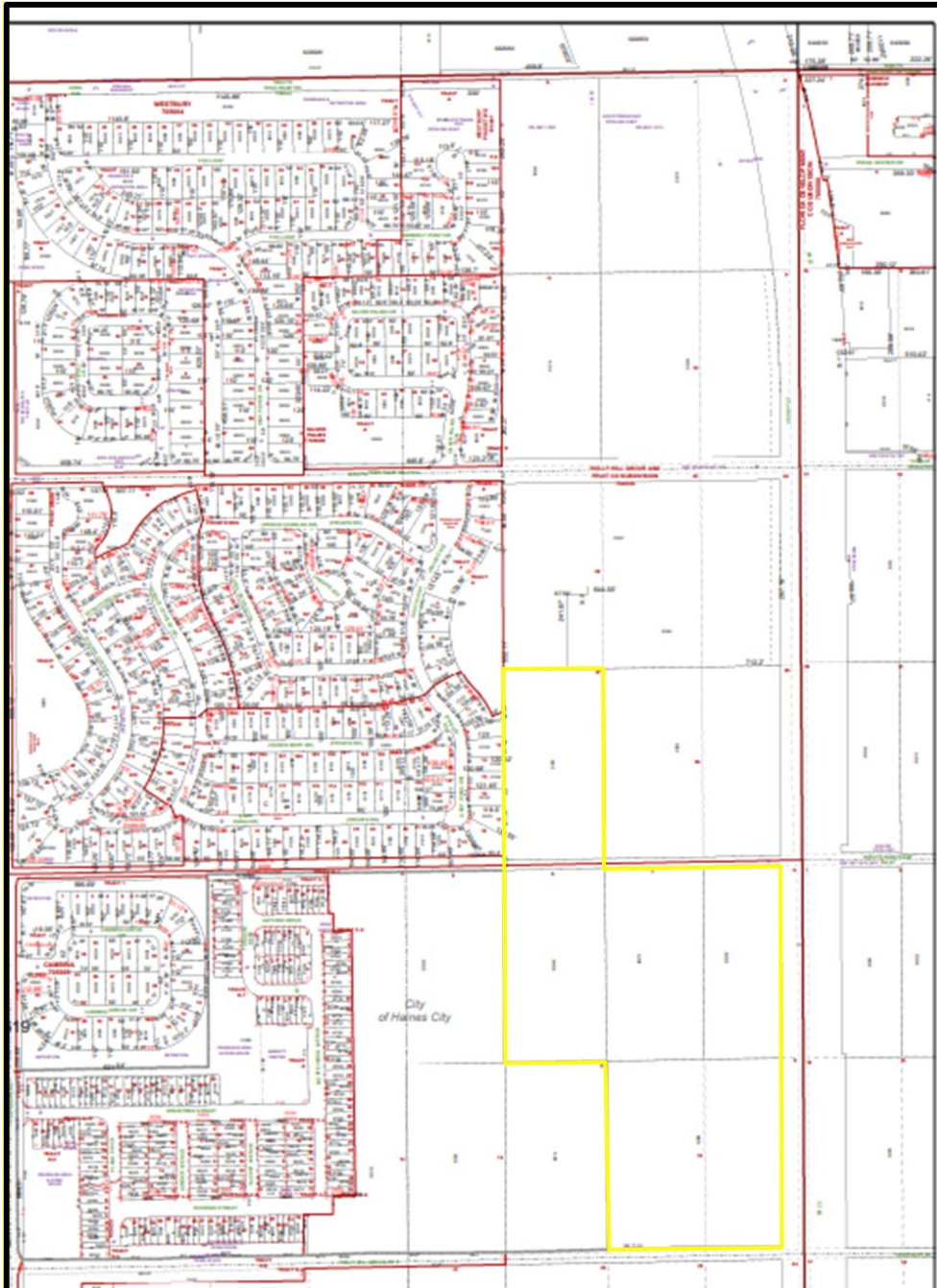
ATTACHMENT "A"

LDCPAL 2022-21

Land Use: TCCX and ECX to RHX and TCCX (27.7 ± acres)

Location: The site is located on the west side of US Highway 27, north of US Highway 17/92, east edge of the Green Swamp and south of I-4.

Section-19 Township-26 Range-27



Parcel Detail

Note: Not to Scale